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August 1, 2024

VIA ECF

Hon. Jennifer H. Rearden
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *Sound Around, Inc. v. Friedman et al.*, Case No. 1:24-cv-01986

Dear Judge Rearden,

We represent Plaintiff Sound Around, Inc. (“Plaintiff”) in the above-referenced matter. As the Court is aware, Plaintiff filed a Motion for Preliminary Injunction (“Motion”) on April 22, 2024, which is now fully briefed. Since the filing of the Motion, the parties have engaged in a Rule 26(f) conference. In addition, Defendants Moises Friedman, Shulim Eliezer Ilowitz, ML Imports, Inc., Cyrf, Inc., LRI Group, LLC, MDF Marketing LLC, and World Group Import, LLC (“Defendants”) also filed a Motion to Dismiss the Complaint [ECF No. 52], which was fully briefed as of July 12, 2024.

Pursuant to Rule 5.G. of Your Honor’s Individuals Rules and Practices in Civil Cases regarding Preliminary Injunction Motions, Plaintiff is aware that the Court “generally follows the rules in 7.E. for the conduct of non-jury trials.” Pursuant to Rule 7.E., Your Honor instructs that the parties shall submit “[c]opies of affidavits constituting the direct testimony of each [] witness” by a date certain, after which time, counsel for each party shall submit a list of affiants the party wishes to cross-examine.

Plaintiff’s counsel has unsuccessfully attempted to confer with Defendants’ counsel regarding this process and the exchange of affidavits consistent with Your Honor’s procedures. While Plaintiff’s counsel is aware that Defendants’ attorneys were in trial until July 23, 2024, Plaintiff’s counsel reached out to Defendants’ counsel immediately after the trial ended to schedule a conference to discuss scheduling of the preliminary injunction hearing and complying with Rule 7.E of Your Honor’s Individual Rules and Practices. Having received no response, counsel renewed that request on July 30, 2024, proposing the parties confer regarding the Motion. Defendants’ counsel indicated that she did not believe there is anything to be done at this point because the hearing is not yet scheduled. *See Exhibit A.*

Given that Defendants’ counsel’s trial is now concluded, Plaintiff requests that the Court enter an order, consistent with Rules 5.G. and 7.E. of Your Honor’s Rules and Procedures, setting

a date on which the parties can exchange and file the affidavits of direct testimony of their witnesses, after which time the parties can identify those witnesses they seek to cross-examine during the hearing on the Motion. In particular, Plaintiff proposes the following schedule:

- The parties shall submit copies of affidavits (with Exhibits) constituting the direct testimony of each party's respective witnesses on or before Friday, August 9, 2024;
- Consistent with Rule 7.E., counsel for each party shall submit a list of all affiants whom he or she intends to cross-examine at the hearing on or before Wednesday, August 14, 2024; and
- The Court set a hearing on the Motion to be heard on a date convenient for the Court as soon as possible in August 2024,¹ or on the earliest convenient date for Your Honor.

Consistent with Your Honor's Individual Rules Practices, Plaintiff's counsel is also submitting courtesy copies of all filings related to the Motion simultaneously with the filing of this correspondence.

Respectfully submitted,

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¹ Plaintiff notes that its principal witness is unavailable as he has a pre-planned travel outside the country on August 12-13 and 26-30, and thus respectfully requests that the Court not set the hearing on those dates.

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